

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|--------------------------------|------------------------------|
| F. TROPEA BUILDING | § |
| CONTRACTOR, LLC, a Delaware | § No. 403, 2010 |
| Limited Liability Company, | § |
| HOLIDAY PARK, LLC, a | § |
| Pennsylvania Limited Liability | § Court Below—Superior Court |
| Company, | § of the State of Delaware |
| | § in and for Sussex County |
| Defendants Below- | § C.A. No. S06L-12-036 |
| Appellants, | § |
| | § |
| v. | § |
| | § |
| RIVER ASPHALT, LLC, | § |
| | § |
| Intervenor Below- | § |
| Appellee. | § |

Submitted: July 9, 2010
Decided: July 15, 2010

Before **HOLLAND, BERGER** and **JACOBS**, Justices

ORDER

This 15th day of July 2010, it appears to the Court that:

(1) The defendants-appellants, F. Tropea Building Contractor, LLC, and Holiday Park, LLC (the “appellants”), have petitioned this Court, pursuant to Supreme Court Rule 42, to accept an appeal from the interlocutory order of the Superior Court dated June 4, 2010, which opened the judgment of the Superior Court in C.A. No. S06L-12-036.

(2) The appellants filed their application for certification to take an interlocutory appeal in the Superior Court on June 18, 2010. On July 7, 2010, the Superior Court denied the certification application on the ground that the requirements of Supreme Court Rule 42 had not been met.

(3) Applications for interlocutory review are addressed to the sound discretion of this Court. In the exercise of its discretion, the Court has concluded that the appellants' application for interlocutory review fails to meet the requirements of Supreme Court Rule 42 and, therefore, should be refused.

NOW, THEREFORE, IT IS ORDERED that the interlocutory appeal is REFUSED.

BY THE COURT:

/s/ Carolyn Berger
Justice